



Appeal Decision

Site visit made on 4 April 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/H2265/D/19/3220922 127 Offham Road, West Malling ME19 6RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Frederic de Ryckman de Betz against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/18/02489/FL, dated 15 October 2018, was refused by notice dated 12 December 2018.
 - The development proposed is for the erection of a two-storey rear/side extension with demolition of existing store, greenhouse and melon house; alterations to elevations and insertion of dormers to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear/side extension with demolition of existing store, greenhouse and melon house; alterations to elevations and insertion of dormers to rear at 127 Offham Road, West Malling ME19 6RE in accordance with the terms of the application, Ref: TM/18/02489/FL, dated 15 October 2018, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6089-PD-01, 6089-PD-03A, 6089-SK-04A, 6089-PD-05A, 6089-PD-06A, 6089-PD-07A.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development is inappropriate for the purposes of the Framework, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appeal property is a two-storey detached dwelling located in a large plot. The site and surrounding area are verdant with a semi-rural character and appearance and are within the West Malling Conservation Area.
4. Policy CP3 of the Tonbridge and Malling Borough Core Strategy September 2007 (CS) states that national Green Belt policy will be applied to the settlement of West Malling. In paragraph 145, the National Planning Policy Framework (the Framework) gives various exceptions of where the construction of new buildings in the Green Belt would not be inappropriate. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. The buildings on the appeal site comprise the main dwelling, a detached store and greenhouse (I agree with the Council that the melon house should not be taken into account as it is not a complete structure with only a central supporting wall remaining above ground). Given their use and close proximity to the main house, I find that the two outbuildings are 'normal domestic adjuncts' to the existing dwelling. Therefore they could be considered as extensions to the dwelling, having regard to the judgement in *Sevenoaks District Council v Secretary of State for the Environment and Dawe* (November 1997).
6. The Council states that the dwelling has not been extended since 1948 and calculates that the proposal, following the removal of the original store and greenhouse, would result in a 39% increase in volume.
7. In my view, the 39% increase in volume is not disproportionate. The scheme would be subservient to the existing dwelling, would visually connect with the overall appearance without dominating it, and also respond to its design characteristics. It would be appropriately sited in relation to the property and would be unobtrusive when seen against the form and scale of the existing dwelling.
8. I therefore conclude that Policy CP3 of the CS and the exception set out in paragraph 145 of the Framework are met. With respect to openness and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances.

Other Matters

9. The Council is satisfied that the proposal would not harm the wider character and appearance of the West Malling Conservation Area within which the site is located. I have no reason to disagree given my findings expressed as they are in relation to Policy CP3, and therefore I am also satisfied that the significance of the heritage asset would be unharmed.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.

Conclusion

11. Having regard to the above and all other matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR